

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**NOVEMBER 9, 2010**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, November 9, 2010.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church of Muskegon after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

#### **2010-92 HONORS AND AWARDS:**

##### **A. 2010 Employee Service Awards.** CIVIL SERVICE

David Wendtland, Civil Service Commissioner, introduced the City employees. The Mayor and Commissioners thanked them for their years of service.

#### **2010-93 CONSENT AGENDA:**

##### **A. Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Meeting that was held on Tuesday, October 26, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Contractual Agreement – Michigan Department of State.** PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into an agreement with the Michigan Department of State whereby the Department of State will provide driver, vehicle, and related information to the City. The purpose for entering into this agreement is to assist code enforcers with

obtaining accurate information to meet district court requirements when completing civil infraction citations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

**C. Liquor License Request – Ingalls Business Acquisition, Inc., 555 W. Western.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Ingalls Business Acquisition, Inc., 555 W. Western (Mikes Inn) for a New Entertainment Permit to be held in conjunction with 2010 Class C Licensed Business.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

**E. Fireworks Display Permit.** CITY CLERK

SUMMARY OF REQUEST: Lisa Lohman, Performers of the U.S., is requesting approval of a fireworks display permit for November 17<sup>th</sup> at the Muskegon Lumberjacks game. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

**F. Transmittal of 6/30/10 Comprehensive Annual Financial Report.**  
FINANCE

SUMMARY OF REQUEST: The City's *6/30/10 Comprehensive Annual Financial Report* (CAFR) has previously been distributed to City Commissioners. This audit covers the six month transition period that was needed for the City to change its fiscal year. At this time the CAFR is being formally transmitted to the Commission in accordance with state law. The CAFR has been prepared in accordance with GASB accounting standards. The CAFR also includes the single-audit of federal grants received by the City.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for the six-month transition period and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Acceptance of the CAFR for the period ended 6/30/10.

**Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the Consent Agenda as read minus item D.**

**ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter**

**Nays: None**

***MOTION PASSES***

**2010-94 ITEM REMOVED FROM THE CONSENT AGENDA:**

**D. Liquor License Request – Carlie & Tracy’s Saugatuck Breeze, LLC, 151 Shoreline Drive.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Carlie & Tracy’s Saugatuck Breeze, LLC for a New Resort Class C License to be issued under MCL 436.1531(3) with Entertainment Permit, Outdoor Service (1 Area), New Dance Permit, Official Food, and Three Additional Bar Permits (Total of 4) to be located at 151 Shoreline Drive.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the liquor license request for Carlie & Tracy’s Saugatuck Breeze, LLC, 151 Shoreline Drive.**

**ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo**

**Nays: None**

***MOTION PASSES***

**2010-95 PUBLIC HEARING:**

**A. Request for an Industrial Facilities Exemption Certificate – Fleet Engineers.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Fleet Engineers, 1800 E. Keating Ave., has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The company plans on making investments of \$1,145,863 in personal property improvements and \$517,157 in real property improvements. Under the City’s IFT policy, they are eligible for a twelve-year abatement on real property and a six-year abatement on personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve years on real property and six years on personal property.

The Public Hearing opened to hear and consider any comments from the public. Wes Eklund, 481 Seminole, President of Fleet Engineers answered questions from the Commission. No public comments were made.

**Motion by Commissioner Spataro, second by Commissioner Wierengo to close the Public Hearing and approve the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve years on real property and six years on personal property for Fleet Engineers.**

**ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd**

**Nays: None**

***MOTION PASSES***

**2010-96 UNFINISHED BUSINESS:**

**A. SECOND READING: Amendments to the Zoning Ordinance – Modify Parking Restrictions. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Staff initiated request to amend Section 2326 (Off-Street Parking and Loading) of Article XXIII (General Provisions) to modify parking restrictions in the downtown parking overlay district. The amendment would loosen the parking restrictions for small businesses that locate in to a previously existing building.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 14<sup>th</sup> meeting.

**Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the amendments to the Zoning Ordinance to modify parking restrictions.**

**ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski**

**Nays: None**

***MOTION PASSES***

## **2010-97 NEW BUSINESS:**

### **A. Approval of Sale of City-Owned Home at 940 Wood. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the resolution and instruct the Community & Neighborhood Services Department to complete the sales transaction between Mr. Kenneth Baird for the totally rehabilitated home at 940 Wood, which is part of the City's Neighborhood Stabilization Program through the Michigan State Housing Development Authority Office of Community Development. Mr. Kenneth Baird's purchase price is \$48,500 with a subsidy of not more than \$15,000.

Our beautiful four bedroom, two and one-half bath home was previously blighted and visibly an eye-sore for the neighbors. As a part of the City's continuous neighborhood redevelopment efforts, the house was purchased by the CNS office from the Land Bank with NSP funds and completely rehabilitated with a newly constructed garage all funded with NSP dollars.

FINANCIAL IMPACT: The proceeds from the sale will be used to cover any extra costs associated with this rehab and to sustain our current investments under NSP program activities. Program income funds will be posted in MSHDA's OPAL reporting system for the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the sale of the City-owned home at 940 Wood Street and direct the CNS staff to complete the sale.**

**ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington**

**Nays: None**

### ***MOTION PASSES***

### **B. Rezoning Request for the Property Located at 1823 Commerce Street. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone the property at 1823 Commerce from B-4, General Business District to B-5, Governmental Service District, by West Michigan Therapy. The applicant would like to run a Transitional Living Center at this location.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 14<sup>th</sup> meeting.

**Motion by Commissioner Carter, second by Commissioner Shepherd to approve the rezoning request for the property located at 1823 Commerce Street.**

**ROLL VOTE: Ayes: Shepherd, Warmington, Wierengo, Wisneski, and Carter**

**Nays: Spataro and Gawron**

***MOTION PASSES – REQUIRES SECOND READING***

**C. Master Contract for the Muskegon County Wastewater System.** CITY MANAGER

SUMMARY OF REQUEST: To consider approving the proposed Master Contract for the Muskegon County Wastewater System. This contract would replace the 1970 Access Rights Agreement and the 1998 Amended Service Agreement.

FINANCIAL IMPACT: The contract will be the basis for determining the wastewater rates charged to the City for the next 20(+) years.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to adopt the resolution as presented.**

**ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro**

**Nays: None**

***MOTION PASSES***

**D. Muskegon Summer Celebration Request.** CITY MANAGER

SUMMARY OF REQUEST: Muskegon Summer Celebration is requesting to pay for City services rendered in 2010, over the next three years (2011-2013) in equal installments.

FINANCIAL IMPACT: \$70,621.50 is owed.

BUDGET ACTION REQUIRED: The 2010-2011 Budget would need to be amended to reflect this change.

STAFF RECOMMENDATION: None.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Muskegon Summer Celebration request.**

**ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter**

**Nays: None**

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Various comments were heard from the public.

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:53 p.m.

Respectfully submitted,

Ann Marie Becker, MMC  
City Clerk